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In the Matter of

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MUR 5440

The Media Fund

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CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission

executive session, do hereby certify that on July 12, 2007, the Commission took

the following actions in the above-captioned matter:

1. Failed by a vote of 3-1 to pass a motion to:

- a) Find probable cause to believe that The Media Fund violated 2 U.S.C. §§ 433 and 434 by failing to register as a political committee with the Commission and report its contributions and expenditures.
- b) Find probable cause to believe that The Media Fund violated 2 U.S.C. § 441a(f) by knowingly accepting contributions in excess of \$5,000 and 2 U.S.C. § 441b(a) by knowingly accepting corporate contributions.
- c)

- d) Take no further action with respect to allegations that The Media Fund made coordinated expenditures, resulting in excessive in-kind contributions to the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer, and/or John Kerry for President, Inc.

- e) Take no further action with respect to allegations that the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer, knowingly accepted excessive in-kind contributions in the form of coordinated expenditures.
- f) Close the file with respect to the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer.
- g) Find no reason to believe that John Kerry for President, Inc. and Robert A. Farmer, in his official capacity as treasurer, violated the Act with respect to allegations that the Kerry Committee received excessive in-kind contributions from The Media Fund via coordinated expenditures.
- h) Close the file with respect to John Kerry for President, Inc. and Robert A. Farmer, in his official capacity as treasurer.
- i) Approve the appropriate letters.

Commissioners Mason, Walther, and Weintraub voted affirmatively for the motion. Commissioner von Spakovsky dissented. Commissioner Lenhard recused himself with respect to this matter and did not vote.

2. Failed by a vote of 3-1 to pass a motion to:

- a) Find probable cause to believe that The Media Fund violated 2 U.S.C. §§ 433 and 434 by failing to register as a political committee with the Commission and report its contributions and expenditures.
- b) Find probable cause to believe that The Media Fund violated 2 U.S.C. § 441a(f) by knowingly accepting contributions in excess of \$5,000 and 2 U.S.C. § 441b(a) by knowingly accepting corporate contributions.
- c)

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- d) Take no further action with respect to allegations that The Media Fund made coordinated expenditures, resulting in excessive in-kind contributions to the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer, and/or John Kerry for President, Inc.
 - e) Take no further action with respect to allegations that the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer, knowingly accepted excessive in-kind contributions in the form of coordinated expenditures.
 - f) Close the file with respect to the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer.
 - g) Find no reason to believe that John Kerry for President, Inc. and Robert A. Farmer, in his official capacity as treasurer, violated the Act with respect to allegations that the Kerry Committee received excessive in-kind contributions from The Media Fund via coordinated expenditures.
 - h) Close the file with respect to John Kerry for President, Inc. and Robert A. Farmer, in his official capacity as treasurer.
 - i) Approve the appropriate letters.

Commissioners Mason, von Spakovsky, and Walther voted affirmatively for the motion. Commissioner Weintraub dissented. Commissioner Lenhard recused himself with respect to this matter and did not vote.

3. Decided by a vote of 4-0 to:

- a) Find probable cause to believe that The Media Fund violated 2 U.S.C. §§ 433 and 434 by failing to register as a political committee with the Commission and report its contributions and expenditures.

b) Find probable cause to believe that The Media Fund violated 2 U.S.C. § 441a(f) by knowingly accepting contributions in excess of \$5,000 and 2 U.S.C. § 441b(a) by knowingly accepting corporate contributions.

c)

d) Take no further action with respect to allegations that The Media Fund made coordinated expenditures, resulting in excessive in-kind contributions to the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer, and/or John Kerry for President, Inc.

e) Take no further action with respect to allegations that the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer, knowingly accepted excessive in-kind contributions in the form of coordinated expenditures.

f) Close the file with respect to the DNC Services Corporation/Democratic National Committee and Andrew Tobias, in his official capacity as treasurer.

g) Find no reason to believe that John Kerry for President, Inc. and Robert A. Farmer, in his official capacity as treasurer, violated the Act with respect to allegations that the Kerry Committee received excessive in-kind contributions from The Media Fund via coordinated expenditures.

h) Close the file with respect to John Kerry for President, Inc. and Robert A. Farmer, in his official capacity as treasurer.

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i) Approve the appropriate letters.

Commissioners Mason, von Spakovsky, Walther, and Weintraub voted affirmatively for the decision. Commissioner Lenhard recused himself with respect to this matter and did not vote.

Attest:

July 16, 2007
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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